## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCIS J. MARABELLA,

Plaintiff,

v. : CIVIL ACTION NO. 16-1153

:

BOROUGH OF CONSHOHOCKEN

et al.,

Defendants.

**ORDER** 

**AND NOW**, this 10<sup>th</sup> day of November 2016, upon consideration of the pending motion and response, it is hereby **ORDERED** that for the reasons set forth in the accompanying Memorandum Opinion:

- Defendants' Motion to Dismiss Counts I-III of Plaintiff's Amended Complaint (Doc. No. 6) is GRANTED.
- Plaintiff may seek leave to file a Second Amended Complaint that conforms to
  the Court's accompanying Memorandum Opinion within TWENTY ONE (21)
   DAYS of this Order, and must attach a proposed Second Amended Complaint to
  any such motion.
- If Plaintiff does not file a motion for leave to amend, then Defendants shall
  answer the remaining claim in the Amended Complaint within THIRTY (30)
  DAYS of this Order.

IT IS SO ORDERED.

**BY THE COURT:** 

/s/ Cynthia M. Rufe.

CYNTHIA M. RUFE, J.